Laurie B. Biggs Blake Y. Boyette Matthew W. Buckmiller Joseph Z. Frost Patrick D. Holmes John W. King, Jr. William H. Kroll Julie A. Parker Trawick H. Stubbs, Jr. Landon G. Van Winkle

Gary R. Perdue (1947 - 1997)



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November 15, 2018

## <u>VIA FIRST-CLASS UNITED STATES MAIL,</u> TELEFAX TRANSMISSION, AND E-MAIL DELIVERY

Peter White, Sheriff Vance County Sheriff's Office 156 Church Street, Suite 004 Henderson, North Carolina 27536

Telefax: 252-738-2220

Email: pwhite@vancecounty.org

Captain Weldon Bullock, Administrative Director, Vance County Sheriff's Office 156 Church Street, Suite 004 Henderson, North Carolina 27536

Telefax: 252-738-2220

Email: wbullock@vancecounty.org

Mrs. Argretta Johen Human Resources Director Vance County 122 Young Street, Suite B Henderson, North Carolina 27536

Telefax: 252-738-2039 ajohen@vancecounty.org

RE: Formal Request for Complete Copy of Personnel File

Employee: Justin J. White

**Employer:** Vance County Sheriff's Department

Position: Deputy Sheriff

Dates of Employment: June 5, 2017 – October 24, 2018

Dear Sheriff White, Captain Bullock and Ms. Johen:

Please be advised that JUSTIN J. WHITE ("Mr. White"), who was formerly employed as a Deputy Sheriff with the VANCE COUNTY SHERIFF'S OFFICE ("VCSO"), from June 5, 2017, through October 24, 2018, has retained Stubbs & Perdue, P.A., in connection with procurement of a complete his personnel file that was maintained by the VCSO.

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Section 153A-98 of the North Carolina General Statutes, governing the privacy of employee personnel records, provides as follows:

- (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the county with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the county.
- (b) The following information with respect to each county employee is a matter of public record:
  - (1) Name.
  - (2) Age.
  - (3) Date of original employment or appointment to the county service.
  - (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession.
  - (5) Current position.
  - (6) Title.
  - (7) Current salary.
  - (8) Date and amount of each increase or decrease in salary with that county.
  - (9) Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county.
  - (10) Date and general description of the reasons for each promotion with that county.
  - (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county

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setting forth the specific acts or omissions that are the basis of the dismissal.

(12) The office to which the employee is currently assigned.

N.C. Gen. Stat. § 153A-98(a) & (b). All information contained in employee's personnel files, regardless of whether it is designated as confidential, must be provided upon receipt of a written release, executed by the employee, which permits the person with custody of the personnel file to provide the information specified therein. <u>Id.</u> at § 153A-98(c)(6).

Enclosed please find, copy of the Release, executed by Mr. White, and notarized by a Notary Public of the State of North Carolina, which authorizes you to provide Stubbs & Perdue, P.A., as the agent and attorney for Mr. White, with a complete copy of all documents, reports, statements, and other materials that are located in his personnel file that was maintained by VCSO (the "Justin White Personnel File").

Please provide me with a complete copy of, and access to, the Justin White Personnel File, on or before **December 1, 2018**. To the extent that there are any costs, charges and expenses associated with copying the contents of the Justin White Personnel File, please let me know the amount of those costs, charges, and expenses, and we will timely remit the same.

If you have any questions, concerns, or need any additional information, please don't hesitate to let me know.

Thank you for your prompt attention to this matter.

Respectfully,

Joseph Z. ("Joe") Frost, Esq.

**Enclosures** 

cc: Justin J. White

## STATE OF NORTH CAROLINA

COUNTY OF VANCE

## RELEASE OF PERSONNEL FILE

THIS RELEASE OF PERSONNEL FILE is executed by the undersigned, JUSTIN J. WHITE ("White"), and pursuant to North Carolina General Statute § 153A-98, and authorizes Vance County and its agents and agencies, including the Vance County Sheriff's Office and the Human Resources Department for Vance County, to disclose and provide a complete copy of his personnel file, maintained by the VCSO, relating to his employment at a Deputy Sheriff from June 5, 2017, through October 24, 2018, to the following individuals, entities, and authorized persons (the "Authorized Agent"):

Authorized Agent/Party:

Joseph Z. Frost, Esq.

STUBBS & PERDUE, P.A.

9208 Falls of Neuse Road, Suite 201 Raleigh, North Carolina 27615

T: 919.870.6258

F: 919.870.6259
E: jfrost@stubbsperdue.com

The undersigned hereby authorizes Vance County, including its agents and agencies, including the VCSO, to release his personnel file, which was maintained by VCSO, and includes any information in any form gathered by the Vance County with respect to White, his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment.

Executed this, the 15th day of November, 2018.

JUSTIN J. WHITE

STATE OF NORTH CAROLINA COUNTY OF VANCE

I, VICON MONOTON, a Notary Public of the aforesaid County and State, do hereby certify that JUSTIN J. WHITE personally appeared before me this date and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal on this the 15 day of November, 2018.

OFFICIAL STAMP/SEAL

Printed Name: McCKSO

My Commission Expires: Available of Notary Public